

Memorandum of Agreement

Between:

Alaska Chadux Corporation..... Robert Heavilin
 Alaska Department of Environmental Conservation..... Larry Dietrick
 U.S. Coast Guard..... Captain Ron Morris
 U.S. Environmental Protection Agency.....Matthew Carr

CC:

State Agencies

Alaska Department of Fish and Game Mark Fink
 Alaska Department of Natural Resources Sam Means

Federal Agencies

U.S. Bureau of Indian Affairs.....Kristin K'eit
 U.S. Corps of Engineers Wayne Crayton
 U.S. Department of the Interior Doug Mutter
 U.S. Fish and Wildlife Service Catherine Berg
 U.S. Mineral Management Services Christy Bohl
 U.S. National Marine Fisheries ServiceBrad Smith
 U.S. Navy Hayden Street
 U.S. NOAA, Hazardous Materials.....Dr. John Whitney

Local Governments

Agdaagux of King Cove..... Joyce Gould
 Aleut Community of Saint Paul Island Richard Zacharof
 Aleutians East Borough..... Stanley Mack
 Aleutians West Coastal Resource Service Area Karol Kolehmainen
 Aleutians-Pribilof Island Community Development Association Annie Oberlitner
 City of Adak Steve Hines
 City of Akutan Joseph Bereskin, Sr
 City of Cold Bay John Maxwell
 City of False Pass..... John Nickles
 City of Saint George Maxim Malavansky
 City of Saint Paul Simeon Swetzof, Jr
 City of Sand Point..... Paul Bay.
 Traditional Council of Akutan..... Richard Stepetin
 Native Village of Atka Mark Snigaroff
 Native Village of Belkofski..... Simeon Kuzakin
 Native Village of False Pass..... Gilda Shelikoff
 Native Village of Nelson LagoonHarold Johnson, Sr.
 Native Village of NikolskiLeonte Ermeloff
 Native Village of UngaJohn Foster, Jr.
 Pauloff Harbor Village..... Paul K. Gunderson, Jr.
 Port of Dutch Harbor..... Scott Brown

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| Qagun Tayagungin Tribe of Sand Point..... | Dorothy McCallum |
| Qawalangin Tribe of Unalaska | Harriet Bearikoff |
| St. George Traditional Council..... | Anthony Mercurief |
| Contingency Planholders | |
| Aleut Enterprise Corporation..... | Michail Shestakov |
| Bering Sea Fisheries..... | |
| Crowley Marine Services | Stephen Wilson |
| Delta Western | Trena Hallback |
| | |
| Petro Star | Bud Sands |
| | |
| Offshore Systems Inc., Dutch Harbor Alaska Facility..... | Geirrimo Turnbull |
| Peterpan Seafoods..... | Glen Guffy |
| Sea Coast Towing, Inc. | Dave Godell |
| Trident Seafoods | Lurilla Lee |
| Western Pioneer, Inc. | Kevin Kivy |
| | |
| Yutana Barge Lines..... | Bev Niemann |
| U.S. Air Force..... | Bryson Twidwell |
| Other Organizations | |
| Alaska Marine Pilots' Association..... | Steve Moreno |
| Alaska Steamship Response | David Eley |
| Southwest Alaska Pilots' Association..... | Ron Ward |
| The O'Brien's Group | Theo Camlin |

PURPOSE OF AGREEMENT

This Memorandum of Agreement (MOA) establishes a Workgroup to draft a minimum *{number dependent on funding}* Geographic Response Strategies (GRS). The GRS will be for the Aleutians Subarea, which is one of ten subareas that are defined in the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases (Unified Plan), Volume 1.

The Workgroup will be comprised of members of the Aleutians Subarea Committee and representatives from cities, tribes and village councils, commercial entities, and agencies with interests in the Aleutians Subarea. This MOA defines the purpose and scope of the GRS project and the participation and process the Workgroup will use to produce the GRS Document.

Once the GRS are drafted they will be forwarded to the Aleutians Subarea Committee for inclusion in Section G of the Aleutians Subarea Contingency Plan (Aleutians SCP). If the Subarea Committee adopts the GRS into the Aleutians SCP, planholders and participating Oil Spill Removal Organizations (OSROs) may reference the Aleutians SCP in their Oil Discharge Prevention and Contingency Plan (ODPCP) or respective OSRO technical or response manuals to meet their requirements for planning to protect environmentally sensitive areas in the Aleutians Subarea, where applicable.

PURPOSE OF A GEOGRAPHIC RESPONSE STRATEGY

The purpose of a GRS is to provide site-specific response strategies to protect the priority sensitive areas in a geographic location by presenting unified (public, responders, and agencies) priorities and

strategies for implementation. The GRS identifies the sensitive resources at a site and the response strategies, equipment, personnel and logistical requirements necessary to protect those sensitive areas.

The GRS will be developed with the intention that they be adopted into the Aleutians SCP. GRS may serve as pre-approved strategies of the Unified Command during the emergency phase of an oil spill response.

The parties to this MOA agree that GRS are not “Response Planning Standards” as defined in Alaska Statutes and will not force the acquisition of new equipment stockpiles or pre-deployment of existing stockpiles for ODPCP planholders that otherwise meet their state response planning standards.

The existence of a particular site-specific protection strategy in a GRS will not automatically require the implementation of the strategy during an event. The best professional judgment of the Unified Command will be used to decide whether or not to implement a particular plan or strategy. When either trajectory analyses or oil tracking methods show a sensitive area that has a GRS to be at risk, the priorities and strategies in the GRS may be used to protect the area. Many factors, such as the size of a spill; type of spilled product; season; sea conditions; and prevailing weather, currents, and tides must be considered at the time of a spill before determining which particular response strategy will be implemented.

GRS are a great help in planning for a spill response and can provide excellent guidance during a spill response, but are not a mandate for specific action at the time of a spill.

GRS DEVELOPMENT PROCESS

Zone Definitions

The Aleutians GRS Workgroup may define specific geographic zones within the Aleutians Subarea to facilitate response planning.

Sensitive Area Identification and Site Selection

The Workgroup will conduct a process using previously identified sensitive areas (e.g. Alaska Department of Fish and Game’s Most Environmentally Sensitive Areas, National Oceanic and Atmospheric Administration’s Environmental Sensitivity Index maps, and sensitive areas identified in the Aleutians SCP) as a beginning for identification of sensitive areas and prioritization for their protection.

Representatives from federal and state natural resource management agencies will be consulted during this process for their recommendations on additions, deletions and priorities for the identified sites.

Site selection will take into account the sensitivity of flora and fauna in the area; the historic, cultural and recreational significance; the likelihood of being subjected to spill impacts; the likelihood of successfully protecting the area from spill impacts; and the degree of public concern. Once the Workgroup develops a draft priority list of identified sites, the list will be offered for public review and comment before being finalized for strategy development.

Framework for Development of GRS

To construct the GRS, the Workgroup will employ a development process that relies on the expertise of experienced spill responders within the Workgroup, local knowledge and information available in the Aleutians SCP. A Tactics Sub-group will be formed to develop the GRS documents.

Response strategies may be broad in their scope to protect a general habitat, such as sheltered tidal flats, or more specific, in order to focus on the protection of a particular feature such as a clam bed or river mouth. A team that includes a resource management agency representative and a response specialist will attempt to survey each GRS site in order to validate that the proposed strategies and response resources shown in the plan are appropriate for the site. Aerial photos of each site will be taken to provide responders with valuable visual data.

GRS Content and Format

GRS recently developed for the Cook Inlet Subarea will be used as a model for the Aleutians Subarea GRS (see attachment). Each GRS will identify the sensitive area and its resources that need protection. The GRS will include a strategy to accomplish the necessary protection, and this strategy will provide a set of response tactics for the site, which will be applied according to the most likely spill-impact scenario and prevailing weather and ocean conditions. The tactics will be prioritized, taking into account factors such as environmental sensitivity, feasibility of protection, public concerns, on-scene wind and tidal action, and time of arrival for response resources (in the case where resources will need to be deployed to the GRS site from a regional response depot.)

Each GRS will identify the amount and type of equipment necessary for implementation of the specific response actions. Unique or pertinent equipment, logistical, or personnel information will be noted. Special considerations, such as historic properties protection, will also be identified.

The response strategies will be diagrammed on base maps that are scaled no larger than one inch to the mile and will be correlated to tables containing or referencing the following information:

- Site location & description
- Response strategy
- Implementation procedures
- Response resources necessary for implementation
- Possible staging areas
- Available site access
- Environmental resources needing protection
- Special considerations

GRS are designed to complement existing strategies, sensitive area information, and response plans currently available in industry and government contingency plans. Unnecessary duplication of information will be avoided.

All GRS will be placed in Section G of the Aleutians SCP. The GRS section will include:

- Part 1 - Introduction, including an explanation of GRS, their development and use
- Part 2 - A description of general protection and recovery tactics
- Part 3 - Individual GRS
- Part 4 - A list of references

Places of Refuge

As part of the GRS development process for the Aleutians Subarea, the Workgroup will form a sub-group to review, discuss, and pre-identify specific locations within the subarea that may be used as places of refuge by disabled, damaged or leaking vessels. The sub-group will focus on potential places of refuge near the high traffic areas. The criteria used for the identification of places of refuge for Cook Inlet and Prince William Sound will be applied during this process. The final product will have the same format as the Prince William Sound Places of Refuge document and be incorporated into the Aleutians SCP.

Public Process

All parties to this MOA agree that it is important for the general public to understand and support the GRS planning process in advance of a spill in order to prevent confusion and conflict over response priorities during a spill event. All documents generated by the Workgroup will be available for inspection at a public location or online. The Workgroup will consult with relevant state and federal natural resource management agencies not represented on the Workgroup and consider comments on GRS from the local communities, coastal districts, tribes and Native villages, and citizens. The Workgroup will offer the draft sensitive area selection list for public comment prior to finalizing site-specific response strategies. The final GRS document developed by the Workgroup will be distributed for public comment before being adopted in the Aleutians SCP.

Timeline

The Workgroup will convene at the call of the co-chairs between thirty and sixty days after execution of this agreement. A contractor will be hired by the time of the first Workgroup meeting. Three meetings of the Workgroup are expected to complete the project. The Tactics and Places of Refuge sub-groups will meet every 60 to 90 days as necessary to complete their draft documents. It is anticipated that the sub-groups will each meet three to five times. The GRS section should be completed and submitted to the Aleutians Subarea committee within two years of the first meeting of the Workgroup.

Exercises and GRS Validation

GRS may be exercised to test their viability as part of the Aleutians SCP and Federal/State contingency planholders exercise schedule. State ODPC planholders who exercise a GRS will be given credit for one of the unannounced discharge exercises that ADEC may call during that year.¹ The GRS will be modified to incorporate lessons learned from the exercises. Agencies and planholders will strive not to duplicate an exercise at any particular site until all of the GRS sites in the subarea are exercised at least once.

WORKGROUP PARTICIPATION

The parties to this MOA agree to participate in regular Workgroup meetings to direct the contractor and review the work product. Signatories and CCs listed in this MOA may participate in the Workgroup. Each Workgroup member agrees to contribute technical knowledge and expertise to the process. Members will be responsible for their own costs of participation. Members agree to provide meeting space for the Workgroup, as they are able.

¹ 18 AAC 75.485(a)

The Alaska Department of Environmental Conservation, U.S. Coast Guard and ??? agree to co-chair the Workgroup. Decisions of the Workgroup will be by consensus.

All the meetings of the Workgroup will be open to the public, and there will be opportunities for public comment at each meeting.

FUNDING/SIGNIFICANT IN-KIND RESOURCES

Funding, as currently arranged, will be provided by the following:

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| Alaska Department of Environmental Conservation | |
| Initial Planning and Work Group Organization | \$32,000 |
| Follow-on GRS Development | ? |
| Environmental Protection Agency | |
| Contracting Support | ? |

Using these funds, the ADEC agrees to hire and manage an independent contractor to assist the Workgroup in drafting the GRS. The contractor will work at the direction of the Workgroup. Additionally, most participants will be called upon to offer in-kind services.

Where possible, the U.S. Coast Guard agrees to provide over flights for photography. Other Work Group members agree to provide in-kind resources to the project, as they are able.

SIGNATURES

We the undersigned, as authorized representatives of our respective organizations, enter into this agreement in good faith to accomplish the development of *{number dependent on funding}* Geographic Response Strategies for the Aleutians Subarea.

Date:

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|-------|---|
| _____ | Robert Heavilin, Alaska Chadux Corporation |
| _____ | Larry Dietrick, Alaska Department of Environmental Conservation |
| _____ | Captain Ron Morris, United States Coast Guard |
| _____ | Matthew Carr, Environmental Protection Agency |